

### **REMARKS / ARGUMENTS**

Claims 1 - 3 remain in this application. New claims 4 - 9 depending from claim 1 have been added. Applicant retains the right to present claims 4 - 13 as originally filed in a continuation application.

The Examiner's rejection of claims 1 - 3 under 35 USC § 103 have been carefully considered. In response, Applicant respectfully submits that Kakiuchi in view of Chapman and further in view of Ellenby fails to teach all of the limitations of the invention as claimed in claims 1 - 3.

#### **Claim 1**

As explained at page 1, lines 16 - 21, and at page 2, line 15 to page 3, line 10 of the specification as filed, in an aspect of the invention, there is provided a data acquisition apparatus for recording digital images of a surface (objects, scenes, and terrain) that may vary widely in size in order to produce image 3D models.

The invention as claimed in claims 1 - 3 include features that allow the data acquisition apparatus to be configured for recording digital images of a surface that may vary in size.

Kakiuchi discloses an image-capturing device including a plurality of light sources 141 - 146 which are paired (141 and 144, 142 and 145, 143 and 146) and disposed symmetrically with respect to the center of the ring or photographing lense (FIG. 8; Col. 8, Lines 45 - 58). The paired light sources (e.g. 141, 144) emit pulse beams that illuminate approximately the same area U at the distance of the measured subject

(FIG. 10; Col. 9, Lines 22 - 41), and each pair (141 and 144, 142 and 145, 143 and 146) emits pulse beams cyclically in succession (Col. 8, Line 59 to Col. 9, Line 21). There is no teaching or suggestion that the light sources 141 -146 may be horizontally shifted along an essentially horizontal rail, such that the positions of the light sources relative to the camera may be readily adjusted depending on the size of the surface to be recorded.

Chapman discloses a camera crane having a boom pivotally connected to a post assembly, and has a track section pivotally attached to the front end of the boom arm. Applicant respectfully submits that Kakiuchi in view of Chapman fails to teach or suggest light sources or lasers which are essentially parallel to the optical axis of a camera, and which are independently adjustable relative to the camera via means for horizontally shifting the camera and the lasers along an essentially horizontal rail, as presently recited in Claim 1.

Ellenby relates to a vision system for use in modeling an environment, but does not appear to teach or suggest the limitations of the invention claimed in claim 1 as discussed above.

In view of the above, Applicant submits that claim 1 as presently written is patentably distinguishable from Kakiuchi in view of Chapman, and from Kakiuchi in view of Chapman and further in view of Ellenby.

#### Claims 2 and 3

Claims 2 and 3 depend from claim 1 and include all of its recited limitations. For the reasons provided above for claim 1, Applicant respectfully submits that claims 2 and 3

are also patentably distinguishable from Kakiuchi in view of Chapman, and from Kakiuchi in view of Chapman and further in view of Ellenby.

New Claims 4 - 9


New claims 4 - 9 have been written to depend directly or indirectly from claim 1. New claims 4 - 9 include all of the limitations of claim 1, but include further limitations relating to a data acquisition computer in communication with the data acquisition apparatus.

In view of the above arguments for claim 1, Applicant respectfully requests consideration and allowance of dependent claims 4 - 9.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,  
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